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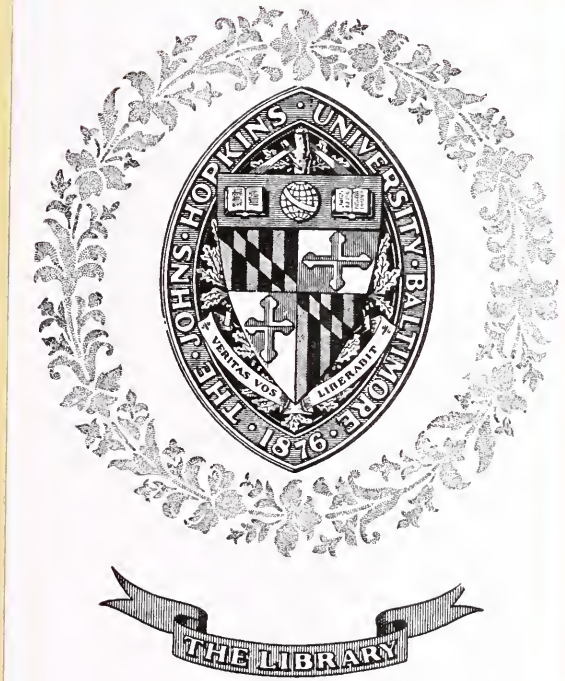

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 281.

MURDER OF LIEUT. EBEN WHITE.

LETTER

FROM

THE CHIEF CLERK OF THE WAR DEPARTMENT,

GIVING

Circumstances of the murder of Lieut. Eben White by John H. and Webster Sothoron.

JUNE 19, 1874.—Referred to the Committee on War-Claims and ordered to be printed.

WAR DEPARTMENT,
Washington, D. C., June 12, 1874.

The chief clerk of the War Department, in the absence of the Secretary of War, has the honor to transmit herewith to the House of Representatives, in answer to a communication from the chairman of the Committee on War-Claims, dated the 3d instant, copies of papers furnished by the Adjutant-General of the Army, giving circumstances of the murder of Lieut. Eben White by John H. and Webster Sothoron; also a copy of the report of the Judge-Advocate General, dated August 6, 1866, recommending that the governor of Maryland be requested to take measures to investigate and bring to trial this case of the apparently willful and felonious homicide of an officer of the United States while engaged in the due performance of his duties; and a copy of memoranda in the claim of John H. Sothoron, prepared in the Quartermaster-General's Office for the Secretary of War.

It appears that Sothoron's property was taken possession of by the Government as "abandoned property," and was taken up on the land returns of the Bureau of Refugees, Freedmen and Abandoned Lands, in accordance with General Orders No. 110, series of 1865, (copy herewith,) and other orders and regulations on the subject of captured and abandoned property. There is nothing of record to show that the pro
was proceeded against for confiscation.

The claim was presented to the War Department in the shape of a letter of inquiry from Hon. John L. Thomas, of Maryland, was disallowed, and all the papers in the case transmitted to the Third Auditor's Office, Treasury Department, for safe-keeping.

H. T. CROSBY,
Chief Clerk, for the Secretary of War.

[General Orders No. 110.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1865.

The following order of the President of the United States (in relation to transfer of abandoned lands, funds, and property set apart for the use of freedmen) to the Bureau

of Refugees, Freedmen and Abandoned Lands, is published for the information and guidance of all concerned:

EXECUTIVE MANSION,
Washington, D. C., June 2, 1865.

Whereas by an act of Congress approved March third, eighteen hundred and sixty-five, there was established in the War Department a Bureau of Refugees, Freedmen and Abandoned Lands, and to which, in accordance with the said act of Congress, is committed the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the Army, under such rules and regulations as may be prescribed by the head of the Bureau and approved by the President; and whereas it appears that the management of abandoned lands, and subjects relating to refugees and freedmen, as aforesaid, have been, and still are, by orders based on military exigencies, or legislation based on previous statutes, partly in the hands of military officers disconnected with said Bureau and partly in charge of officers of the Treasury Department: It is therefore

Ordered, That all officers of the Treasury Department, all military officers, and all others in the service of the United States, turn over to the authorized officers of said Bureau all abandoned lands and property contemplated in said act of Congress, approved March third, eighteen hundred and sixty-five, establishing the Bureau of Refugees, Freedmen and Abandoned Lands, that may now be under or within their control. They will also turn over to such officers all funds collected by tax or otherwise, for the benefit of refugees or freedmen, or accruing from abandoned lands, or property set apart for their use, and will transfer to them all official records connected with the administration of affairs which pertain to said Bureau.

ANDREW JOHNSON.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS CAMP STANTON,
December 19, 1863.

SIR: I have the honor to inclose a report made to me November 23, 1863, by Capt. Lewis L. Weld, Company B, Seventh United States Colored Troops, which gives the circumstances of the murder of Lieut. Eben White, Company B, Seventh United States Colored Troops, by John H. Sothoron and Webster Sothoron.

Dr. Thomas, a respectable physician of this county, states that on the morning of the occurrence John H. Sothoron was in Benedict, and, in the hearing of said Thomas, threatened to take the life of Lieutenant White if he should ever set foot on his (Sothoron's) farm.

Numerous witnesses can be produced to substantiate the following charges:

That John H. Sothoron was an avowed sympathizer with the rebels;

That he had visited Richmond since the beginning of the rebellion; and

That he had repeatedly entertained rebel officers at his house; especially Lieutenant Countee, and Captains Lemon and White, formerly residents of this neighborhood.

Your obedient servant,

WILLIAM BIRNEY,
Colonel Second United States Colored Troops,
Recruiting and Mustering Officer.

The ADJUTANT-GENERAL *United States Army.*

ADJUTANT-GENERAL'S OFFICE,
June 6, 1874.

Official:

THOMAS M. VINCENT,
Assistant Adjutant-General.

SEVENTH REGIMENT UNITED STATES COLORED TROOPS,
Camp Stanton, November 23, 1863.

COLONEL: In reply to a request from you to examine the two witnesses of the murder of Second Lieut. Eben White, of Company B, of this regiment, and to report their statements, together with the facts relating to the said murder after it occurred, as they fell under my own observation, I have the honor respectfully to report:

Of the two privates who accompanied Lieutenant White to the house of Colonel Sothoron, near Benedict, I first called and examined John W. Bantum, a private of Company B, Seventh United States Colored Troops. I took down his statement as he delivered it, excepting that, in matters of grammar and dialect, I have endeavored to render it into good English. The statement is as follows:

We were twenty men of Company B, who were put off from the steamer John Tracy under the charge of Lieutenant White, on the 19th day of October, 1863, Monday. [The witness has no memory of the exact date, but this date is correct.] On Monday afternoon, the day of landing, we moved the rations and tools under shelter, and spent the rest of the day cleaning our guns and making ourselves comfortable for the night. We posted guards that night. The next day we called in the guards and staid about till afternoon. The lieutenant was part of the time down with us and part of the time up in the town.

Question. Did he have any particular conversation with any one that morning? If so, with whom?—Answer. I do not know. He talked with a good many, but I do not know whom in particular. About 3 o'clock that afternoon (Tuesday, October 20) Lieutenant White, with Benjamin Black and myself, together with a young white man, whose name I do not know, went into a boat off the wharf and went across the mouth of the creek to Sothoron's plantation. As soon as we landed Lieutenant White told Black and myself to put caps on our guns. We then went up over the bank toward some colored men and women whom we saw working in the field. When we had come within about fifteen rods of them the lieutenant told us to halt, and he went on to them and talked with them. He then went off toward the house and called to us to come up to him. We joined him at once. I was on the right side of him and Black on the left. When we got to the house he sent Black to the back, and I went up to the porch door with him. Colonel Sothoron and a young man, said to be his son, were standing in the porch. Lieutenant White went up to them and said, "Is this Mr. Sothoron?" and he answered, "Yes; that's my name." The lieutenant said, "I heard that you have some of your servants tied up." Sothoron answered, "Yes, sir; I have them tied." The lieutenant said, "I want them." Sothoron answered, "You can't get 'em." The lieutenant, "You say I can't get 'em?" Sothoron, "No, sir; you can't get 'em." The lieutenant, "Well, sir, you know the law." Sothoron, "Yes, sir; I know it." As soon as he said that the lieutenant turned and called me, and we went by the side of the house. He told Black to come on. We started right down the fence to the barn. There we met a young colored man. The lieutenant asked him if he wanted to enlist. He answered, "Yes, sir." The lieutenant told him to come on, then, and go with him. We went on further and found another colored man piling up tobacco. Lieutenant White asked him the same question, and he answered, "Yes, sir." The lieutenant told him to come on and go with him, when the boy looked behind him and saw his master coming and stopped. The lieutenant said, "Come on, my friend, and go with me." The boy said, "I'm afraid my master will shoot me." The lieutenant said, "Never mind about that; come with me." Then I looked behind and saw Colonel Sothoron and his son coming with guns in their hands; and I said, "Lieutenant, let's shoot 'em," at the same time bringing my gun down from my shoulder. The lieutenant looked around in my face and said, "O, no; don't shoot them." We walked on a few steps and I looked back again, and again said, "Lieutenant, let's shoot 'em; they are going to kill us." He said again, "No, don't shoot." Colonel Sothoron then called out to an old colored man and said, "Tell all them niggers to come to me; every one of them." Then he called out to another further back and said, "Tell that nigger woman to come to me," and called to the old man to catch hold of Lieutenant White. The lieutenant said, "My man, don't you touch me." Then Sothoron cursed the lieutenant, and called him a "damned nigger-stealing son of a bitch." At this the lieutenant turned and walked right back toward Sothoron, and I was by his side. He said, "Mr. Sothoron, I am attending to my business, as I was sent to do." Sothoron answered, "Business? Hell and damnation! I know right from wrong as well as you do." Then Sothoron's son jumped out in front of the lieutenant and shook his revolver in his face, calling out, "Don't you talk to me about business, you damned son of a bitch." Then, after some more words, all of which I do

not remember, he (the young man) stepped up to the lieutenant, and spit in his face. At the same time the old man said, "How dare you bring your men on my premises with their guns half-cocked?" and the young man said, "God damn you, I've a mind to blow you down." The lieutenant then jumped back, and took Black's gun out of his hand, and told me to cock my piece. The old man called to me, "Don't you cock that piece;" and the young man cried out, "God damn you, I have a mind to blow you down." The lieutenant answered, "You might get yourself into trouble by it." At the same time, both father and son fired—one at his head, the other at his breast. At the time they fired they were, I should think, about 12 feet apart. As soon as I saw Lieutenant White falling, I aimed my gun and fired at the old man. Then I knew there was no use in staying there, and turned to run. Black had already started. As I turned, the old man fired at me, striking me in the back of the head, and knocked off my cap. As I ran I looked back, and saw Lieutenant White lying on the ground and the young man beating him over the head with the butt of his gun. When I got to the creek, I found Black already in the boat, and the white man who came with us, pushing from the shore. They came back for me, and we all went over to Benedict. When we got to Benedict, I changed my bloody coat for my blouse, and came down to the wharf, where I saw the steamboat Cecil coming in. As soon as it came, two of us went on board, and told the captain that Lieutenant White was killed, and we did not know what to do unless we went with him. The captain asked about the circumstances, and, when I told him, we all went on board. When I went on the boat I lay down, for my head was full of shot, and was bleeding and sore. Others went and brought down the body.

This statement having been read over slowly to the witness, he reaffirmed the whole, not wishing to add to or subtract from it.

Benjamin Black, a private in Company B, who was not present when the foregoing statement was made, was then called. His statement was so entirely confirmatory of that made by his comrade that I have not thought it necessary to reproduce it here. Suffice it to say that his account was identical with that of Bantum in every important particular.

On the evening of the same day the steamer Cecil arrived at Town Creek, near the mouth of the Patuxent River, where a camp had been established, of which I was then in command. The captain of the Cecil at once reported to me, stating the facts so far as he knew them, and asked for further instructions. I immediately ordered Second Lieutenant Ryder to proceed without delay, with a proper escort, on board the Cecil, and, with the body, to report to you at Baltimore. I also ordered First Lieutenant Edgerton to start at once on horseback, with a guide, to the headquarters of the district of Saint Mary's, at Point Lookout, and report the fact of the murder to the commanding officer at that post, and that the murderers were said to be endeavoring to escape into Virginia, through those lines. Unprovided as I was with any force which would have been efficient in such a pursuit, this was my only recourse.

This, so far as I am able to give it, is a full statement of this most unfortunate and terrible murder, which took from the Army and from our own immediate corps one than whom there was none more brave, generous, or devoted.

I have the honor to be, colonel, with great respect, your obedient servant,

LEWIS LEDYARD WELD,
Captain Seventh United States Colored Troops.

Col. WM. BIRNEY,
Commanding Post at Benedict, Md.

ADJUTANT-GENERAL'S OFFICE, *June* 6, 1874.

Official:

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
August 6, 1866.

Respectfully returned to the Secretary of War.

In the within papers Bvt. Brig. Gen. James Shaw, colonel Seventh United States Colored Troops, reports to the Hon. Secretary the fact of the shooting and killing of an officer of the regiment, Lieut. Eben White, at Benedict, Md., in October, 1863, by Col. John Sothoron, a citizen, residing on his plantation near that place, as well as the wounding of Private John Bantum, of the same regiment, by a son of Sothoron. General Shaw incloses the affidavit of another private of the regiment, who was present when the shots were fired. Lieutenant White appears to have been engaged in recruiting colored men for his regiment, when he was opposed by Sothoron and his son, and to have acted with great forbearance in carefully avoiding a collision with them as far as was in his power. Upon the facts as sworn to, the killing was clearly an act of murder.

General Shaw says that Sothoron succeeded in escaping justice at the time by fleeing within the enemy's lines. He adds: "*I have recently learned that he has returned to his plantation, near Benedict.*"

As this case is one of a crime committed in a loyal State, and where martial law is not in force, it is conceived that it would not be at this juncture regarded as within the jurisdiction of a military commission. It is recommended, therefore, that the papers be referred to the governor of Maryland, with the request that he will take measures to investigate and bring to trial this case of the apparently willful and felonious homicide of an officer of the United States while engaged in the due performance of his duties, as well as the case of aggravated assault, apparently with intent to kill, upon the soldier named.

W. WINTHROP,
Bvt. Col. and Judge-Advocate,
In the absence of the Judge-Advocate-General.

WAR DEPARTMENT, *August* 11, 1866.

Approved and returned to the Judge-Advocate-General, with instructions to refer the papers to the governor of Maryland as suggested, with such letter of request as the Judge-Advocate deem proper.

E. M. STANTON,
Secretary of War.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 15, 1873.

Case of John H. Sothoron, of Saint Mary's County, Maryland, who seeks compensation for property taken from his farm.

Referred by War Department for report.

The following communication from Headquarters Department of Washington, November 15, 1864, was addressed to Captain J. M. Brown, A. Q. M., in charge of Bureau of Freedmen and Government Farms:

The major-general commanding directs, in accordance with instructions from the War Department, that the necessary clothing be provided for the contrabands on the farms in your charge, and the requisite repairs be made to their quarters; that the specified property recommended by you to be sold be so disposed of, and for the purposes indicated; that the unpaid bills for articles used during the season be liquidated; that the wages due contrabands from July 1 to October 31, inclusive, be paid; that

$25 be paid Mrs. Shaw for the rent of her barn, and that the requisite repairs be made to place in operation the steam saw and grist mill. These expenditures are to be made from funds accruing by sale of crops from the farms.

The guard will be increased, as recommended, and a commissioned officer of the Veteran Reserve Corps will be ordered to report to you to take charge of the farms under your direction on the Patuxent River.

John L. Thomas, late member of Congress from Maryland, in a communication to the Secretary of War, dated February 6, 1868, says, that some time in the latter part of the year 1863 the Government troops took possession of the plantation of Col. John H. Sothoron, of Saint Mary's County, Maryland, located on the Patuxent River; that the troops remained in the possession of Colonel Sothoron's plantation from November, 1863, to May, 1866, and during that time foraged immense quantities or numbers of Government horses, cattle, and other stock on his farms, took possession of and sold all of his growing crops, including tobacco, wheat, corn, hay, straw, and other provender, beside cutting off and using an immense quantity of wood and timber, destroying a large amount of property, including barns, outhouses, &c., taking away and selling his household and other furniture; that they have so far succeeded in tracing the sales of about fifty-nine hogsheads of tobacco taken from his plantations and sold in January, 1865, by Col. R. N. Newport (then quartermaster at Baltimore) to W. W. Berry, for and on account of James M. Brown, then quartermaster for the district in which his farm is located; that this tobacco brought $5,228.27; also the sale of another lot of tobacco, July 19, 1865, by order of Col. R. N. Newport, of 22 hogsheads of tobacco, sold to ——— & Wilkins for $680.50, and supposed to be per order of said Brown; that they are satisfied that some 1,500 bushels of wheat and 1,500 bushels of corn, beside other provender, was taken and sold during this time by the Quartermaster's Department; that a large amount of tobacco, in addition to what is above mentioned, was taken and sold by the Government during the time the troops were in the occupancy of the plantation; and that he, as a special favor, as counsel of Colonel Sothoron, requests to be furnished with the following information:

I. The number of hogsheads of tobacco taken and sold by the Government during or after its occupancy by the Government, the price it was sold for, and whether the proceeds have been turned over to the War or Treasury Department.

II. The number of bushels of wheat and the number of bushels of corn taken and sold by the Government, what part of the same was sold, and what part was used or turned over to the Quartermaster's Department, and the value of the same.

III. The number of cords of wood, and the value of the same, taken and used by the Government.

IV. What disposition was made of his furniture, what part was sold and for how much, and whether the proceeds were turned over to the War Department or the Treasury.

V. Also an account of the number of horses, mules, cattle, hogs, and other stock, including poultry, taken and used by the Quartermaster's Department for the same period.

VI. Also an account of the number and value of the wheat-machines, thrashing-machines, plows, harrows, cultivators, hoes, and axes, and other farming implements, boats and seins, taken and used by the Quartermaster's Department for the same period.

VII. Also a copy of any order from the War Department, or any general in command of United States troops at the time, directing the seizure and sale of any or all of the above enumerated items.

That the object in asking this information is to apply for relief and payment of these losses sustained by Colonel Sothoron in the seizure and sale of said property, Maryland being a loyal State.

J. M. Brown, late captain and assistant quartermaster, February 24, 1868, says:

I know nothing of the alleged occupation of Colonel Sothoron's property by the Government troops in November 1863.

I have been informed that the farm of Colonel Sothoron, being one of the Government farms, (so called,) comprising the John H. Sothoron, Joseph Forrest, and Cole farms, which had been used (how long I cannot state) as a place of refuge for freedmen, were, in the summer of 1864, by a change in the limits of the military departments of Washington, included in this department. In November, 1864, (one year after the alleged occupation by the Government troops,) the supervision of these farms was given to me, my office and duties as captain and assistant quartermaster being in Washington, D. C. Lieut. E. F. O'Brien, then and late an officer in the Veteran Reserve Corps, was at this time placed by the commanding general in immediate charge as superintendent at the farms.

At this date (November, 1864) there were on the three farms about five hundred freedmen, mostly women and children, mainly supported by the Government, a portion being employed in cultivating land.

On the upper or Sothoron farm there was 40,000 pounds (estimated) of tobacco. I was informed that this tobacco had been shipped some time before to Point Lookout and reshipped to the farm; by whom I never learned.

There was no household furniture on either of the farms. The small number of horses, cattle, and wagons used in cultivating the farms were the property of the United States Quartermaster's Department.

There were bills then due for farm-implements purchased early in the season. I directed the tobacco, (60 hogsheads,) which was liable to be destroyed by fire, to be packed and shipped, at the expense of the Government, to Baltimore, for sale by public auction, in accordance with the orders of the department commander, dated Washington, D. C., November 15, 1864, (copy herewith.)

Statement of sale.

530 pounds (1 hogshead) tobacco, at $13.25 per 100 pounds	$70 22
41,100 pounds (59 hogsheads) tobacco, at $12.55 per 100 pounds	5,158 05
*149 pounds beef-hides, at $13.50 per 100 pounds	20 12
*11 pounds calf-hides, at $11.57 per 100 pounds	1 27
	5,249 66
Auctioneer's commissions, $262.45; advertising in American, $4.80; in Wecker, $4.37; in Clipper, $3.75	275 37
	4,974 29

The proceeds of sale will be found properly accounted for on my account-current for the month of January, 1865.

The sale of 22 hogsheads of tobacco, referred to in the letter of Mr. Thomas, were packed and shipped by Lieut. E. F. O'Brien from Government farms to Baltimore in July, 1865, and sold by public auction in accordance with authority before given.

Statement of sale.

22 hogsheads tobacco, 13,610 pounds, at $5 per 100 pounds	$680 50
Auctioneer's commission, $34; advertising in Clipper, $2; American, $2.50; Wecker, $2.25	40 75
	639 75

The proceeds of sale will be found properly accounted for on my account-current for the month of July, 1865. What portion of these two lots (60 and 22 hogsheads of tobacco) were raised by Colonel Sothoron, I have no means of ascertaining.

To the first, second, third, fifth, and sixth inquiries proposed by Mr. Thomas, I have and can give no information, except as above.

During the time Lieutenant O'Brien was in charge of the farms cultivated by freedmen, supported by the Government, no separate or distinct returns were made with Sothoron, Forrest, or Coles farms; in fact, they were known only as Government farms, embracing the three articles, were accounted for on the returns of Lieutenant O'Brien as property Government farms.

To the fourth inquiry, I have no knowledge whatever, except as before stated, of the sale or other disposition of the household furniture, horses, cattle, farm-implements, or any other articles belonging to the Sothoron estate.

To the seventh inquiry, I have given the only order in my possession in reference to the subject.

Thomas P. Chiffelle, agent Quartermaster's Department, reports from Baltimore, Md., July 30, 1868—

That there is not on file in this Office any record to show that there was ever anything coming from the farm of Colonel Sothoron, sold in this city, for and on account of the United States.

* Probably the hides of slaughtered Government cattle.

Mr. Thomas, of the firm of Adrean, Thomas & Co., auctioneers in this city, stated to me that his firm, in 1864 and 1865, sold in the city of Baltimore, by direction of Col. R. M. Newport, United States quartermaster, for and on account of Capt. J. M. Brown, assistant quartermaster, stationed in Saint Mary's County, some 60 or 70 hogsheads of tobacco, and that the account sales contained in the report of Captain Brown, accompanying these papers, are correct. He also further stated that he remembers having heard at that time that many of the articles taken from Colonel Sothoron's farm were shipped to New York and sold there; but that neither he nor any other auctioneer in this city ever sold, during the war or since its close, for and on account of the United States, any other article coming from the farm of Colonel Sothoron but the tobacco above referred to.

With regard to the "loyalty" of Colonel Sothoron, there seems to be in the community in which he resides but one opinion, and that is "*that he was thoroughly southern in his feelings during the entire war.*" Col. J. M. Blackiston stated to me in Leonardtown "that he, as United States prosecuting attorney, had Colonel Sothoron indicted and tried before the circuit court of Saint Mary's County, Md., for the murder of Lieutenant O'Brien,* U. S. A., and that he was acquitted by the said court on the ground of "justifiable homicide," and that immediately after the rendition of the verdict, Colonel Sothoron went South and remained there during the entire war."

The above report was indorsed by General Stewart Van Vliet, as follows:

The within statement contains all the facts that can be obtained in the case of Col. John H. Sothoron.

WASHINGTON, D. C., *No.* 217 *Pennsylvania Avenue.*

SIR: I take the opportunity to inform you of Col. John H. Sothoron, who has been South in arms against the United States Government; then returned home, and has been engaged secreting southern officers, and giving all information that he could gain; then seeking a way open to the Potomac, and then conveying them down and seeing them safe across. He then had a servant-man that he carried to Virginia with him, when he and his son went to take arms against the United States. Then the boy returned home and was ill-used. He then started to the seat of war. He was taken, confined, severely used, and sent to Richmond, and since that time he has been giving all aid and information that he could give against the United States.

I remain yours, respectfully,

W. W. GOLDSBOROUGH.

Col. L. C. BAKER.

With the politeness of E. V. Johnson.

This Bureau is without information as to the writer of this letter, but he is supposed to have been one of the slaves of John H. Sothoron. Among these slaves—now freedmen—could, no doubt, be found abundant evidence as to the animus and action of Sothoron toward the Government, at the time that he was led to take the life of one of its officers, while performing his duty in recruiting colored soldiers for the Union Army.

J. HOLT,
Judge-Advocate-General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
Washington, D. C., June 10, 1874.

* White?